

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-4768

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

RONALD F. PINKNEY,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Richard L. Williams, Senior District Judge. (CR-98-84)

Submitted: March 9, 2005

Decided: April 5, 2005

Before MOTZ, GREGORY, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

George A. Townsend, IV, GEORGE A. TOWNSEND, IV, P.L.L.C., Richmond, Virginia, for Appellant. Paul J. McNulty, United States Attorney, Michael J. Elston, Sara E. Flannery, Assistant United States Attorneys, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Ronald F. Pinkney appeals the district court's order revoking his supervised release and sentencing him to sixty months' imprisonment. On appeal, he contends the court abused its discretion when it found by a preponderance of the evidence that he committed a Grade A violation, possession with intent to distribute marijuana, instead of a Grade C violation, possession of marijuana. We affirm.

We review the district court's decision to revoke a defendant's supervised release for an abuse of discretion. United States v. Copley, 978 F.2d 829, 831 (4th Cir. 1992). The district court need only find a violation of a condition of supervised release by a preponderance of the evidence. 18 U.S.C. § 3583(e)(3) (2000).

The district court found that Pinkney committed the crime of possession with intent to distribute marijuana after hearing uncontradicted testimony that Pinkney possessed ten bags of marijuana in a backpack, three more on his person, and \$1757 in currency. We find that a preponderance of the evidence supported the district court's findings, and the district court did not abuse its discretion. The district court was, therefore, statutorily required to revoke supervised release and impose a prison term. 18 U.S.C. § 3583(g).

Accordingly, we affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED